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10/801,767	03/16/2004	Kazumoto Kondo	09812.0413	3421
22852	7590	08/04/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PARKER, BRANDON	
			ART UNIT	PAPER NUMBER
			2174	
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			08/04/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/801,767

**Applicant(s)**

KONDO ET AL.

**Examiner**

BRANDON PARKER

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 13-30 remain pending in the application.

#### *Response to Arguments*

Applicant argues, Hitaka does not disclose whereby the second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus.

Examiner respectfully disagrees, in response, Hitaka discloses "upon transferring image data stored in **a first information processing apparatus** (photo site) to a **second information processing apparatus (print site)**" wherein the , Abstract, wherein "after the thumbnail image is acquired, the print site 109A displays an image select dialog 4400 shown in FIG. 43 in step S4207" (Par. 0322), and the user PCs 102A and 102B (i.e. first viewing apparatus and second viewing apparatus), photo site 105, and print sites 109 communicate with each other via the Internet 104 (Par. 0120). Furthermore "a photo site which provides services for storing image data received from the user PC 102A (first viewing apparatus), allowing the user or a third party designated by the user (second viewing apparatus) to browse stored image data" (Par. 0118, Par. 0116) wherein it is apparent the second viewing apparatus (i.e. user PC 102B) is refreshed with a cursor (i.e. via the image selected/album selected) (Fig. 29) wherein the album browsing: This service allows the user PC 102B to browse an album in the photo site server 105 (Par. 0185). Furthermore the print site 109B acquires thumbnail images by accessing the thumbnail image data acquisition URL of respective image

data described in the temporary print order. Using these thumbnail images, the print site 109B makes the user PC 102B display Web information used to designate details of an order (Par. 0161).

Furthermore, Angiulo discloses the "user can drag and drop the one or more additional original images onto the gallery on the Web page to indicate the selection" (Par. 0012) Furthermore Arguilo discloses a thumbnail representation is generated from the displayed visual representation and the first and second locations are then associated with the thumbnail (Col. 7 lines 40-46, Abstract), wherein enabling a user to drag and drop said at least one additional original image onto said Web page, a corresponding thumbnail for each additional original image and a hyperlink between said corresponding thumbnail and each additional original image. It is understood the images are uploaded from a PC to a website where another PC (i.e. viewing apparatus) will be able to highlight the images (Par. 0032, Par. 0044) It is apparent the dragging and dropping of an image from a personal computer to a webpage makes it available to for selection for a remote computer (i.e. second viewing apparatus/display unit). There appears to be no apparent difference between selections/highlighting and the cursor of a personal computer image for display to a Webpage from a networking personal computer which makes the images available for display so both computers can display the images from the Web page and highlight/select the images.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitaka et al (US Publication 2003/0220995 hereinafter, "Hitaka") in view of Angiulo et al (US Publication 20020135621 hereinafter, "Angiulo").

Regarding claim 13, Hitaka discloses an information processing system comprising a data storage apparatus for storing a plurality of pictures (Par. 0124 lines 1 and 2), a plurality of picture URLs associated with the plurality of pictures, a plurality of thumbnail pictures associated with the plurality of pictures, and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (Par. 0125 lines 1-4, Par. 0459 lines 1-3, Par. 0208 lines 1-16), the data storage apparatus (i.e. photo site) providing the plurality of thumbnail pictures (Par. 0124 lines 1 and 2) and the plurality of thumbnail picture URLs to a first viewing apparatus and a second viewing apparatus (Par. 0208 lines 1-16);

a connection apparatus for connecting the first viewing apparatus and the second viewing apparatus (Hitaka Claim 1) over a network (Internet, Fig. 1 Drawing);

Hitaka discloses a first viewing apparatus comprising: a first display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus and for displaying a first cursor at a location of one of the plurality of thumbnail pictures, wherein the first cursor is moved on the first display unit based on a user input; a second display unit for displaying the plurality of thumbnail pictures received from the data storage apparatus ("a photo site which provides services for storing image data received from the user PC 102A (first viewing apparatus), allowing the user or a third party designated by the user (second viewing apparatus) to browse stored image data" (Par. 0118, Par. 0116) wherein it is apparent the second viewing apparatus (i.e. user PC 102B) is refreshed with a cursor (i.e. via the image selected/album selected) (Fig. 29) wherein the album browsing: This service allows the user PC 102B to browse an album in the photo site server 105 (Par. 0185). ; and

Hitaka does not explicitly disclose a receiving unit for receiving the new thumbnail picture URL transmitted by the transmitting unit of the first viewing apparatus, whereby the second display unit is refreshed to display the second cursor in a new location of a new thumbnail picture associated with the new thumbnail picture URL received from the first viewing apparatus. However Hitaka discloses transferring image data stored in a first information processing apparatus (photo site)/a first display unit to a second information processing apparatus (print site)/second display unit, (Abstract) Furthermore the print site 109B acquires thumbnail images by accessing the thumbnail image data acquisition URL of respective image data described in the temporary print order. Using these

thumbnail images, the print site 109B makes the user PC 102B display Web information used to designate details of an order (Par. 0161).

Angiulo discloses "a user to select an individual thumbnail to edit or delete, and to select one or more additional original images that will be represented by corresponding additional thumbnail images in the gallery on the Web page" and the "user can drag and drop the one or more additional original images onto the gallery on the Web page to indicate the selection" (Par. 0012) Furthermore Arguilo discloses a thumbnail representation is generated from the displayed visual representation and the first and second locations are then associated with the thumbnail (Col. 7 lines 40-46, Abstract), wherein enabling a user to drag and drop said at least one additional original image onto said Web page, a corresponding thumbnail for each additional original image and a hyperlink between said corresponding thumbnail and each additional original image (Arguilo Claim 46)

a detecting unit for detecting a movement of the first cursor and for specifying a new thumbnail picture at a new location of the first cursor and a transmitting unit for transmitting a new thumbnail picture URL associated with the new thumbnail picture specified ("a user can select a plurality of images, and then drag the images over the photo gallery, causing the images to be added and automatically "thumb nailed," for use in the photo gallery. The images thus selected will be added to the end of list of images already included in the photo gallery", Par. 0112) by the detecting unit to the second viewing apparatus Note: Martin discloses the drag and drop discloses a cursor has indicated a selection from one area to the other wherein the cursor is refreshed or

located in the dropped area (i.e. photo gallery). It is understood the first cursor is identified when the image is selected to be dragged and the second cursor is refreshed when dropped in the new location. Note, Note that a first item in the list displayed, "HOCKEY.JPG," is shown as being highlighted, indicating that a user has selected that image, (Par. 0044), therefore the highlighted selected image is dragged into the second location (i.e. gallery window).

It would have been obvious to one skilled in the art at the time of invention to combine the drag and drop feature as taught by Argiulo with the information processing system of Hitaka to efficiently transfer images from one apparatus to another. Claims 22 and 28 are similar in scope to claim 13 and are rejected for at least the same reasons.

Regarding claim 14, Hitaka discloses an information processing system of claim 13, wherein, when enlarging a thumbnail picture selected by the first cursor on the first display unit, the first viewing apparatus sends a thumbnail picture URL (i.e. thumbnail URL) associated with the thumbnail picture to the data storage apparatus (i.e. print site), (Par. 0406 lines 1-4); the data storage apparatus provides a picture (i.e. image) and a picture URL (i.e. URL) associated with the thumbnail picture URL to the first viewing apparatus (Par. 0406 lines 4-8); the first display unit displays the picture ; and the first viewing apparatus (i.e. information processing apparatus) transmits (i.e.



transfers) the picture URL to the second viewing apparatus (i.e. another information processing apparatus), (Hitaka Claim 4).

Claims 23 and 29 are similar in scope to claim 14 and are rejected for at least the same reasons.

Regarding claim 15, Hitaka discloses an information processing system of claim 13, wherein at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL is transmitted from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Hitaka Claim 4).

Claims 24 and 30 are similar in scope to claim 15 and are rejected for at least the same reasons.

Regarding claim 16, Hitaka discloses an information processing method comprising: storing a plurality of pictures, a plurality of picture URLs associated with the plurality of pictures (i.e. URLs), a plurality of thumbnail pictures associated with the plurality of pictures (i.e. thumbnail URL), and a plurality of thumbnail picture URLs associated with the plurality of thumbnail pictures (i.e. images) in a data storage apparatus (i.e. photo site), (Par. 0127 lines 1-7);  
providing the plurality of thumbnail pictures and the plurality of thumbnail picture URLs(i.e. thumbnail image acquisition URL) from the data storage apparatus to a first

viewing apparatus and a second viewing apparatus (i.e. photo site), (Par. 0322 lines 1-4);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a first display unit of the first viewing apparatus (Par. 0322 lines 1-4);

displaying a first cursor at a location of one of the plurality of thumbnail pictures on the first display unit (Par. 0323 lines 3-5);

displaying the plurality of thumbnail pictures received from the data storage apparatus on a second display unit of the second viewing apparatus (Par. 0323 lines 3-5);

displaying a second cursor at a location of one of the plurality of thumbnail pictures on the second display unit (Par. 0128 lines 1-5).

connecting the first viewing apparatus and the second viewing apparatus over a network via a connection apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);

receiving, at the first viewing apparatus, a user input for moving the first cursor (Par. 0252); moving the first cursor on the first display unit based on the received user input (Par. 0252); detecting a movement of the first cursor; specifying a new thumbnail picture at a new location of the first cursor (Par. 0252); Note: Hitachi discloses a method of moving a cursor/button used to select an album wherein a cursor is moved from one thumbnail picture to a specified new thumbnail picture (Par. 0252).

transmitting a new thumbnail picture URL associated with the new thumbnail picture from the first viewing apparatus to the second viewing apparatus (Par. 0169 lines 7-11);

receiving, at the second viewing apparatus, the new thumbnail picture URL transmitted from first viewing apparatus (Par. 0321 lines 3-5); and

Hitaka discloses a first viewing apparatus but does not explicitly show refreshing the second display unit to display the second cursor at a new location.

Angiulo discloses "a user to select an individual thumbnail to edit or delete, and to select one or more additional original images that will be represented by corresponding additional thumbnail images in the gallery on the Web page" and the "user can drag and drop the one or more additional original images onto the gallery on the Web page to indicate the selection" (Par. 0012) Furthermore Arguilo discloses a thumbnail representation is generated from the displayed visual representation and the first and second locations are then associated with the thumbnail (Col. 7 lines 40-46, Abstract), wherein enabling a user to drag and drop said at least one additional original image onto said Web page, a corresponding thumbnail for each additional original image and a hyperlink between said corresponding thumbnail and each additional original image (Arguilo Claim 46)

a detecting unit for detecting a movement of the first cursor and for specifying a new thumbnail picture at a new location of the first cursor and a transmitting unit for transmitting a new thumbnail picture URL associated with the new thumbnail picture specified ("a user can select a plurality of images, and then drag the images over the photo gallery, causing the images to be added and automatically "thumb nailed," for use in the photo gallery. The images thus selected will be added to the end of list of images already included in the photo gallery", Par. 0112) by the detecting unit to the second viewing apparatus Note: Martin discloses the drag and drop discloses a cursor has indicated a selection from one area to the other wherein the cursor is refreshed or

located in the dropped area (i.e. photo gallery). It is understood the first cursor is identified when the image is selected to be dragged and the second cursor is refreshed when dropped in the new location. Note, Note that a first item in the list displayed, "HOCKEY.JPG," is shown as being highlighted, indicating that a user has selected that image, (Par. 0044), therefore the highlighted selected image is dragged into the second location (i.e. gallery window).

It would have been obvious to one skilled in the art at the time of invention to combine the drag and drop feature as taught by Argiulo with the information processing system of Hitaka to efficiently transfer images from one apparatus to another.

Claims 19 and 25 are similar in scope to claim 16 and are rejected for at least the same reasons.

Regarding claim 17, Hitaka discloses an information processing method of claim 16, further comprising enlarging a thumbnail picture selected by the first cursor on the first display unit by:  
transmitting a thumbnail picture URL associated with the thumbnail picture from the first viewing apparatus to the data storage apparatus (Par. 0223 lines 1-12, Par. 0324 lines 1-4);  
transmitting (i.e. transferring) a picture and a picture URL associated with the thumbnail picture

URL from the data storage apparatus to the first viewing apparatus (Hitaka Claim 4); displaying the picture on the first display unit (Par. 0323 line 1-5); and transmitting the picture URL from the first viewing apparatus to the second viewing apparatus (Hitaka Claim 4).

Claims 20 and 26 are similar in scope to claim 17 and are rejected for at least the same reasons.

Regarding claim 18, Hitaka discloses an information processing method of claim 16, further comprising transmitting at least one of the picture, the picture URL, the thumbnail picture, and the thumbnail picture URL from the first viewing apparatus to the second viewing apparatus through the connection apparatus (Par. 0128 lines 1-5).

Claims 21 and 27 are similar in scope to claim 18 and are rejected for at least the same reasons.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6822663 discloses a graphical design apparatus for transforming source content to result content according to the display capabilities of a result content receiving device.

US Patent 7359074 discloses a first option information from a second image forming apparatus capable of communicating through a network, and replacing with the second operation screen generation part and second option information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on Monday thru Friday 730- 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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